

To: Guerriero, Margaret[guerriero.margaret@epa.gov]
From: Kaplan, Robert
Sent: Tue 12/20/2016 3:25:52 PM
Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Good email. Thanks.

Robert Kaplan

Acting Regional Administrator

EPA Region 5 – Chicago

Cell: 312-515-9827

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From: Guerriero, Margaret
Sent: Monday, December 19, 2016 5:47 PM
To: Dee.allen@ldftribe.com; Wildcat Sr., Joseph <JWildcatsr@ldftribe.com>
Cc: Greenwater, Anthony <greenwater.anthony@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Manville, Jennifer <manville.jennifer@epa.gov>; Olson, Erik <olson.erik@epa.gov>; lwawronowicz@ldftribe.com; Tribal Council Members <TribalCouncil@ldftribe.com>; KHanson@ldftribe.com; rdubey@scblaw.com; JLane@scblaw.com; Kaplan, Robert <kaplan.robert@epa.gov>
Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Dear Dee,

EPA stands willing and able to meet tomorrow with Lac Du Flambeau to discuss the technical issues. We have two of our technical staff already up in Minocqua and have two more poised to leave tomorrow morning at 6:00 am to accommodate a 1:00 pm meeting based on your schedule. As we have said, it is important to work out the unresolved issues in order to keep the project on schedule so that field work can be accomplished according to the schedule jointly developed this past May in Woodruff, WI.

I am concerned that cancelling this meeting will result in a delay in moving forward that will critically derail the field work identified for completion this winter and cause significant delay in the overall schedule for completing the work. As you are aware, funding from the State of Wisconsin is set to expire in the year 2020. Losing this winter's field work season could result in loss of funding for the cleanup of the site.

I request that this meeting not be cancelled and that the technical staff of both EPA and Lac Du Flambeau meet to discuss the technical issues currently preventing this work from going forward. I am available to discuss this matter at any time at the telephone numbers below.

Sincerely,

Margaret

Margaret M Guerriero, Director

Land and Chemicals Division

US EPA, Region 5

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From: Allen, Dee [<mailto:dee.allen@ldftribe.com>]

Sent: Monday, December 19, 2016 4:58 PM

To: Wildcat Sr., Joseph <JWildcatsr@ldftribe.com>; Kaplan, Robert <kaplan.robert@epa.gov>

Cc: Greenwater, Anthony <greenwater.anthony@epa.gov>; Guerriero, Margaret <guerriero.margaret@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Manville, Jennifer <manville.jennifer@epa.gov>; Olson, Erik <olson.erik@epa.gov>; lwawronowicz@ldftribe.com; Tribal Council Members <TribalCouncil@ldftribe.com>; KHanson@ldftribe.com; rdubey@scblaw.com; JLane@scblaw.com

Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

All, my summary of events for Dec 20, 2016 EPA Tribe meeting. December 16, 2016- email went out to all of the above by our Tribal President with an attached agenda.

December 19, 2016-11am & 12pm Council Member Chapman receives calls from Anthony Greenwater inquiring about the status of the December 20, 2016. Second call was asking for technical meeting?

December 19, 2016- 1240pm President Wildcat and Councilman Chapman request I send notice to Anthony Greenwater cancelling the meeting and suggest a future technical level meeting with an agreeable agenda, etc.

December 19, 2016-2:50 pm Kristen H receives voicemail from Sheri Kampke- stating she is working on topics for discussion for the December 20, 2016 meeting.

December 19, 2016- 3:20pm President Wildcat receives a call from Bob Kaplan stating there should still be a technical meeting for 9am on December 20, 2016, and that Bob Egan is in Greenbay pick up Troy Edison?and other EPA staff are on the way up here. President Wildcat calls me at 330pm relays the discussion and asks me to call Bob Kaplan to clarify what is going on.

December 19, 2016- 335pm I called Bob Kaplan and he relays that EPA is still planning on coming up to LDF and have a technical meeting. He mentioned along with Anthony Greenwater, Maragret Guerrio, Sheri Kampke, Bob Egan that a Troy Edison is a national specialist on vapor intrusion and will be attending along with Tom kady. He also mentioned a 9am meeting but can accommodate a 1pm meeting. Two issues to resolve: Losing a whole season of work if we do not get this ironed out and that 2020 funding will run out(PECFA) other issue people were not talking. I relayed that I can not make a 9am meeting and Bob was ok with me not attending it and that it would be still productive???

Bob relayed that his understanding was that we had worked out the details on last Thursday technical call with Sheri, Bob, Anthony, Jenifer, the details of an agenda or meeting information was not discussed on that call. We only heard who maybe attending and it was not going to have much technical discussion.

I relayed the concerns of not having an agreeable agenda to even consider and that we did not receive a response on the agenda that was sent out on Friday from our Tribal President.

I am not available for the new proposed 9am time nor could I provide notice to staff at this time in the day.

I do not see the benefit in having a meeting without tribal input on the agenda or materials or the presentation from the national vapor intrusion specialist in advance to properly prepare us.

I request this meeting be cancelled until proper notice and an agreeable agenda is agreed upon with coordination with Tribal Technical Staff.

Thank You.

Dee Ann Allen

Lac du Flambeau Tribal Natural Resource Department/Environmental Protection Program

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From: Wildcat Sr., Joseph
Sent: Friday, December 16, 2016 3:21 PM
To: Kaplan.robert@Epa.gov
Cc: Greenwater.anthony@Epa.gov; Guerriero.margaret@Epa.gov; kamke.sherry@epa.gov; Victorine.gary@Epa.gov; Manville, Jennifer; Olson.erik@Epa.gov; Wawronowicz, Larry; Tribal Council Members; Hanson, Kristen; RDuBey@scblaw.com
Subject: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Mr. Kaplan,

Attached is our proposed Agenda for Tuesday's Meeting .We will consider this government to government consultation only if the appropriate level of government is present for the meeting. Therefore we are requesting your presence along with appropriate legal and policy staff. We expect to discuss the issues identified on the Agenda so that we can come to agreement on our outstanding issues, particularly the pending MOA.

If this is not acceptable at a consultation level and on a government to government basis,

further discussion will be needed to determine the substance and participation on any alternative meeting.

Sincerely,

Joseph G. Wildcat Sr.

Lac du Flambeau Tribal President